

FILED
Clerk
District Court

DEC 30 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

| | | |
|----------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA |) | CRIMINAL ACTION NO. 04-0038 |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | JOINDER IN MOTION |
| |) | |
| ERIC TUDELA MAFNAS and |) | |
| and CHARLIE KINTARO PATRIS |) | |
| |) | |
| Defendants |) | |
| _____ |) | |

Defendant Charlie Patris joins in the double jeopardy motion filed by defendant Eric Mafnas. The facts at the hearing will show that Patris shared a cell with Mafnas at the Guam Correctional Facility and that he was subject to the same punishment as Mafnas. The evidence will further show that the cell shared by Patris and Mafnas only had one bunk which resulted in Patris having to sleep on the floor of the cell.

Double jeopardy precludes double punishment for the same offense. *United States v. Schiller*, 120 F.3d 192, 193 (9th Cir. 1997). While Patris joins in the remedy of dismissal of the indictment, he alternatively seeks an order precluding him from being punished twice for the same offense. The conditions in which Patris has endured on Guam since his conviction constitutes punishment as such conditions were not remedial, civil in nature or imposed for

1 disciplinary reasons. Thus, sentencing Patris based on the conviction will, in effect, amount to his
2 being punished twice for the same conviction. Double jeopardy precludes such double
3 punishment.

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